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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
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13 STEVEN E. PARKER,) 3:12-cv-00429-HDM-VPC
14 Plaintiff,)
15 vs.) ORDER
16 LORAL LANGEMEIER, WILLIAM MATTOX,)
17 MANNA PROPERTIES, LLC, and AR)
18 RESIDENTIAL RESTORATION, INC.,)
19 Defendants.)

20 Defendants have filed a partial motion to dismiss (#11).
21 Plaintiff has opposed (#15), and defendants have replied (#17).

22 In his complaint filed on August 14, 2012, plaintiff Steven
23 Parker ("plaintiff") asserts that defendants failed to pay two
24 promissory notes upon their maturity in 2008, one made to defendant
25 Manna Properties ("Manna") and the other made to defendant AR
26 Residential Restoration, Inc. ("AR"). Defendants William Mattox
27 ("Mattox") and Loral Langemeier ("Langemeier") are alleged to be
28 managers of Manna; Langemeier is additionally alleged to be the

1 president of AR. The complaint asserts five causes of action: (1)
2 breach of contract as to the Manna note; (2) breach of guaranty as
3 to the Manna note; (3) breach of contract as to the AR note; (4)
4 fraudulent inducement as to both notes; and (5) promissory estoppel
5 as to both notes. Defendants move to dismiss plaintiffs' claims of
6 fraudulent inducement and promissory estoppel as insufficiently
7 pled and all claims asserted against the individual defendants on
8 the basis that they are not personally liable for payment of the
9 notes.

10 While plaintiff opposes defendants' motion, he also requests
11 leave to amend his complaint to the extent it is deficient.
12 Accordingly, plaintiff shall have up to and including February 12,
13 2013, in which to file an amended complaint to assert any claim of
14 alter ego, to plead a basis for his breach of guaranty claim, and
15 to set forth the "the who, what, when, where, and how of the
16 misconduct charged" in his fraudulent inducement and promissory
17 estoppel claims. See *Ebeid ex rel. U.S. v. Lungwitz*, 616 F.3d 993,
18 998 (9th Cir. 2010). Should the plaintiff fail to file an amended
19 complaint by February 12, 2013, the defendants' pending motion to
20 dismiss shall stand submitted.

21 IT IS SO ORDERED.

22 DATED: This 22nd day of January, 2013.

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25 UNITED STATES DISTRICT JUDGE
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